

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIA JAMES on behalf of her infant daughter G.E.,

Plaintiffs,

COMPLAINT

-against-

Jury Demand

THE CITY OF NEW YORK,
JOHN AND JANE DOES 1-5

Defendants.
-----X

Plaintiff Julia James on behalf of G.E. (Plaintiff) by and through their attorneys Robert Blossner, Esq. and Vik Pawar, Esq., respectfully allege as follows:

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney's fees for violations of their civil rights, as secured by statutes and the Constitution of the United States and the State of New York.

2. Plaintiff has complied with conditions precedent to filing state law claims by filing timely notices of claim, intends to attend 50h hearings and giving the City adequate time to settle their claim and this lawsuit is commenced within one year and ninety days of the incident.

PARTIES

3. Plaintiffs are citizens of the United States, and at all relevant times a resident of the County of Bronx, and CITY and State of New York.

4. Defendant CITY of New York (hereinafter “CITY”) was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

5. The John and Jane Does 1-5 (“individual defendants”) are or were employed by the CITY and acted under the color of state law and are sued in their individual capacity.

FACTS

6. On December 31, 2021 at approximately 11 p.m., GE, with permission from her guardian, was inside her home to engage in NYE party celebration with her friends.

7. GE was 14 years old and a student at the time of the incident.

8. Around that time, GE and her friends heard a chaos outside their building because people were screaming.

9. When they stepped outside, they observed individual defendants swinging their batons around and hitting various individuals.

10. The individual defendants then ordered the crowd to disperse, but refused to allow a young GE to go back inside her building.

11. The individual defendants used the classic “kettle” approach and refused to let individuals go anywhere.

12. Out of nowhere, GE was then tackled by an individual defendant and thrown to the ground on her back.

13. GE was then punched in her face and she lost consciousness for a bit.

14. GE was then arrested and transported to the 52nd precinct even though she was visibly in pain and had injuries to her face and body and needed medical care.

15. GE was taken to hospital with police guard and held there while under the watch of the NYPD who would not permit her to describe the events or her injuries to the medical providers.

16. After nearly 24 hours in custody, GE was released to her guardian without any charges being brought against her.

AS AND FOR A FIRST CAUSE OF ACTION

(Assault and Battery)

17. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

18. The Defendants committed acts that caused harm to Plaintiff.

19. The Defendants intended to inflict injury or pain on Plaintiff.

20. As a reason of the assault and unlawful battery by the Defendants Plaintiff was apprehensive and suffered physical and emotional injuries.

AS AND FOR A SECOND CAUSE OF ACTION

(Harassment)

21. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

22. The Defendants intended to harass, annoy or alarm Plaintiff.

23. These defendants acted in a way that caused Plaintiff to be harassed, annoyed and alarmed.

24. As a result of their conduct, Plaintiff suffered and continue to suffer mental and physical injuries.

AS AND FOR A THIRD CAUSE OF ACTION

(Intentional and Negligent Infliction of Emotional Distress under the laws of New York)

25. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

26. The aforementioned conduct was extreme and outrageous, and exceeded all reasonable bounds of decency.

27. The aforementioned conduct was committed by Defendants while acting within the scope of their employment by Defendant City.

28. The aforementioned conduct was committed by Defendants while acting in furtherance of their employment by Defendant City.

29. The aforementioned conduct was intentional and for the sole purpose of causing severe emotional distress to Plaintiff.

30. As a result of the aforementioned conduct, Plaintiff suffered severe emotional distress, physical and mental injury, together with embarrassment, humiliation, shock, fright, and loss of freedom.

AS AND FOR A FOURTH CAUSE OF ACTION

(Violation of NYS Constitution)

31. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

32. Defendants conduct herein denied Plaintiff the equal protection of the law, discriminated against her and caused her injuries.

33. As a result, Plaintiff's rights protected by the New York State Constitution were violated.

AS AND FOR A FIFTH CAUSE OF ACTION

(Negligent Screening, Training, Hiring, and Retention under the laws of the State of NY)

34. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

35. Defendant City owed a duty to individuals like Plaintiff to properly screen, train, hire and then appropriately discipline its employees.

36. Defendant City breached its duty and failed to use reasonable care in the screening, hiring, retraining and retention of the aforesaid individual Defendants who conducted and participated in the violation of Plaintiff's rights.

37. As a result, Plaintiff suffered injuries.

AS AND FOR A SIXTH CAUSE OF ACTION

(Negligence under the laws of the State of New York)

38. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

39. Defendant City owed a duty to individuals like Plaintiff.

40. Defendant City breached its duty when individual DOE Defendants engaged in and participated in the violation of Plaintiff rights.

41. As a result, Plaintiff suffered injuries.

42. Plaintiff's physical and emotional injuries herein were caused by the carelessness, recklessness and negligence of the Defendant and their employees and agents, who were on duty and acting in the scope of their employment engaging in the wrongful conduct described herein.

AS AND FOR A SEVENTH CAUSE OF ACTION

(*Respondeat Superior* liability under the laws of the State of New York)

43. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

44. Defendant City is vicariously liable for the acts of its employees and agents who were on duty and acting in the scope of their employment when they engaged in the wrongful conduct described herein that caused Plaintiff's irreparable physical and emotional injuries.

AS AND FOR AN EIGHTH CAUSE OF ACTION

(Fourth and Fourteenth Amendments- unlawful seizure/imprisonment/excessive force)

45. Plaintiff repeats, reiterates and realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

46. Defendants used force beyond necessary to arrest Plaintiff and physically assaulted her.

47. These defendants also trumped up false charges against Plaintiffs and fabricated evidence.

48. These defendants drafted criminal court paperwork, complaint report and forwarded them to the DA's office knowing that Plaintiff would possibly be prosecuted.

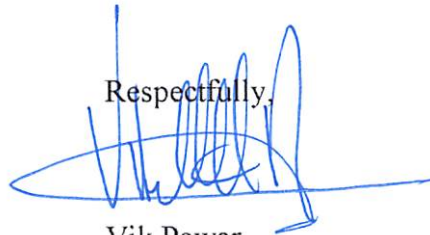
49. These defendants failed to retract their falsified paperwork and deprived Plaintiff of her liberty.

50. Defendants' conduct was "repugnant to the conscience of mankind" and caused serious physical and emotional injuries to Plaintiff.

WHEREFORE, Plaintiff seeks judgment against the defendant individually, jointly, severally in the amount of \$250,000.00 for each and every cause of action, costs, expenses and attorney fees, and any other relief that the Court may deem just and proper.

Dated: April 12, 2024
New York, New York 10007

Respectfully,

A handwritten signature in blue ink, appearing to read 'Vik Pawar', with a large, sweeping horizontal stroke underneath.

Vik Pawar
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NY NY 10007
212 571 0805